



(including the "Delta Conveyance" previously known as peripheral canal) that are collectively seeking take of threatened and endangered species under Section 10 of ESA and the state's Natural Communities Conservation Planning Act. ESA Section 10 requires the production of a habitat conservation plan (HCP) and DWR is seeking 50 year permits. USFWS and NMFS will be asked to adopt the HCP and write these take permits so they have to comply with NEPA by estimating and disclosing impacts of their permit in an Environmental Impact Statement (EIS). USFWS, NMFS, and BOR (federal lead agencies) are preparing a joint EIS/EIR document with DWR (compliance with CEQA) and it will be used as the information base for ESA and NCCPA permit decisions. The EIS/EIR is considering restoration actions at a programmatic level of information and attempting to evaluate the Delta Conveyance and some other projects at the project level, preparing to build them.

The "toxins appendix" is an appendix to Chapter 5, "The Effects Analysis," in the EIS/EIR which is focused on evaluating the impact of BDCP (new conveyance, pumps, operations, restoration, and other projects) on T & E species. The Toxins Appendix along with other 'technical' appendices is being provided to federal lead (USFWS, BOR, NMFS) and cooperating agencies (EPA & Corps) for early review so that we can provide feedback to DWR and their consultant ICF International. The idea is that this will give DWR and ICF time to improve it prior to the planned release of the Draft EIS in May 2012.

A draft of the "Effects Analysis" prepared by SAIC received a very poor and public review by the National Research Council a few months ago([http://archive.deltacouncil.ca.gov/delta\\_science\\_program/publications/sci\\_news\\_0711\\_nrc.html](http://archive.deltacouncil.ca.gov/delta_science_program/publications/sci_news_0711_nrc.html)). ICF International was hired by DWR to re-do and improve Chapter 5 The Effects Analysis of the EIS/EIR. Presumably the toxins appendix is part of that effort, however if you've read it you'll know it retains an amazing potential for improvement.

The turn around time on these administrative drafts is v. short and the review schedule is piecemeal. EPA has to provide our comments to DOI next Tuesday and we have not seen Chapter 5 Effects Analysis, just the appendices.

If folks are still reviewing it and want to give me more comments, I can include them through Tuesday around noon. I'll be submitting them at 2:00 PM.

Thanks again!

Erin

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>